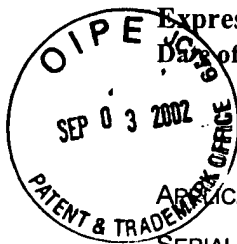


09-04-02

1636#



Express Mail No. EL 947114305US  
Date of Deposit: September 3, 2002

Attorney Docket No. 22058-569 (GI-5389)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 12/508  
9/10/02

APPLICANT(S): Wood et al.  
SERIAL NO.: 09/780,532  
FILING DATE: February 9, 2001  
FOR: Trade Molecules and Uses Related Thereto  
EXAMINER: C. Qian  
ART UNIT: 1636

Assistant Commissioner for Patents  
Washington, D.C. 20231

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TRANSMITTAL LETTER

TECH CENTER 1600/2900

Transmitted herewith for filing in the above-identified application:

1. Response to Restriction Requirement (2 pgs.);
2. Revocation/New power of Attorney (2 ps.);
3. Petition for Extension of Time (in duplicate) (1 pg);
4. Check No. 13912 in the amount of \$110.00 to cover extension fee; and
5. Return Postcard.

The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 Reference No. 22058-569 (GI-5389).

Respectfully submitted,

Ivor R. Elrin, Reg. No. 39,529  
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Dated: September 3, 2002



30623

PATENT TRADEMARK OFFICE



Express Mail Label No.: EL947114305US  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO OFFICE ACTION DATED JULY 1, 2002**

In response to the Office Action Dated July 1, 2002, Applicants make the following elections:

(1) Applicants elect the invention of Group V, which includes claims 2, 3-5, 6-8, 13, 14, 16-20, 25, 27 and 28, drawn to a method of modulating cell proliferation comprising contacting cell with a polypeptide that modulates the activity of a TRADE molecule, with traverse.

(2) Applicants elect the invention "TRADE $\alpha$ ", also with traverse.

(3) Applicants elect the NF $\kappa$ B signaling pathway, also with traverse.

Applicants traverse and request rejoining of Groups V and VIII. The invention of Group VIII is directed to modulating cell proliferation using an anti-TRADE antibody, which is an example of a polypeptide modulator of TRADE activity. Thus, the invention of Group V is generic to the patentably distinct species of modulation of TRADE activity using anti-TRADE antibodies encompassed by Group VIII. Therefore, a search and examination of both groups can be made without serious burden to the Examiner.

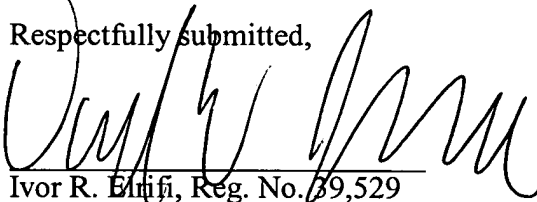
Applicants traverse the requirement of election of one TRADE molecule from among the species TRADE $\alpha$  and TRADE $\beta$  on the basis that the extracellular and transmembrane domains of the TRADE $\alpha$  and TRADE $\beta$  polypeptides are identical in amino acid sequence (see Example 1 and Figure 2 of the specification). More specifically, both TRADE $\alpha$  and TRADE $\beta$  have identical N-terminal signal sequences, extracellular regions of about 168 amino acids and single transmembrane domains. The intracellular sequences of TRADE $\alpha$  and TRADE $\beta$  are also very similar (i.e., diverging only by two amino acids and TRADE $\beta$  having only 6 additional amino

acids at the C-terminus). Thus, polypeptide modulators of TRADE $\alpha$  and TRADE $\beta$  are likely to interact with very similar, if not identical sequences.

Applicants traverse the requirement of election of a signaling pathway on the basis that modulation of TRADE molecule activity frequently results in changes in one or more of NF $\kappa$ B, JNK or apoptotic pathways. Thus, it does not impose an undue burden on the Examiner to search for these interrelated pathways.

A petition for an extension of time and revocation/new power of attorney accompany this response. The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 22058-569.

Respectfully submitted,



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Dated: September 3, 2002

TRA 1706978v2